

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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**NATIONAL PARKS CONSERVATION  
ASSOCIATION and SIERRA CLUB**

*Petitioners,*

v.

**UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, and ANDREW  
WHEELER, in his official capacity as  
Administrator of the United States  
Environmental Protection Agency**

*Respondents.*

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No. 20-1341

**PETITION FOR REVIEW**

Pursuant to Clean Air Act § 307(b)(1), 42 U.S.C. § 7607(b)(1), Rule 15 of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, National Parks Conservation Association and Sierra Club hereby petition this Court for review of the final action taken by Respondents at 85 Fed. Reg. 40,286 (July 6, 2020) and titled “Petition for Partial Reconsideration of Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas.”

DATED: September 4, 2020

Respectfully Submitted,

**s/ Charles McPhedran**

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*Counsel for Petitioner Sierra Club.*

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<b>ASSOCIATION and SIERRA CLUB</b>		)
		)
<b>Petitioners,</b>		)
		)
<b>v.</b>	<b>No.</b>	<u>20-1341</u>
		)
<b>UNITED STATES ENVIRONMENTAL</b>		)
<b>PROTECTION AGENCY, and ANDREW</b>		)
<b>WHEELER, in his official capacity as</b>		)
<b>Administrator of the United States</b>		)
<b>Environmental Protection Agency</b>		)
		)
<b>Respondents.</b>		)
<hr/>		)

**RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, National Parks Conservation Association and Sierra Club make the following disclosures:

**National Parks Conservation Association**

Non-Governmental Corporate Party to this Action: National Parks Conservation Association.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purposes: National Parks Conservation Association is a national, independent, nonpartisan membership organization dedicated to protecting and enhancing America's National Park System for present and future generations.

### **Sierra Club**

Non-Governmental Corporate Party to this Action: Sierra Club.

Parent Corporations: None.

Publicly Held Company that Owns 10% or More of Party's Stock: None.

Party's General Nature and Purposes: Sierra Club, a corporation organized and existing under the laws of the State of California, is a national nonprofit organization dedicated to the protection and enjoyment of the environment.

DATED: September 4, 2020

Respectfully Submitted,

s/ **Charles McPhedran**

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*Counsel for Petitioner Sierra Club.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing **Petition for Review** and **Rule 26.1 Disclosure Statement** on Respondents by sending a copy via First Class Mail to each of the following addresses on this 4th day of September, 2020.

Administrator Andrew Wheeler  
Office of the Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building – Mail Code 1101A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

William P. Barr  
Attorney General  
U.S. Department of Justice  
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**s/ Charlotte Reed**

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Charlotte Reed  
Earthjustice

# **Attachment A**

Dates: June 29, 2020.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2020-14421 Filed 7-2-20; 8:45 am]

BILLING CODE 6717-01-P

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2016-0598; FRL-10011-45-OAR]

### Petition for Partial Reconsideration of Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of action denying petition for reconsideration.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice that it has responded to a petition for partial reconsideration of a final rule under the Clean Air Act (CAA) published in the **Federal Register** on September 29, 2017, titled, "Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas." This rule removed Texas from the Cross-State Air Pollution Rule (CSAPR) trading programs for annual emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>), and affirmed the continued validity of the EPA's 2012 determination that participation in CSAPR meets the Regional Haze Rule's criteria for an alternative to the application of source-specific best available retrofit technology (BART). The November 28, 2018, petition, submitted by Sierra Club and the National Parks Conservation Association, requested that the EPA reconsider the latter aspect of the rule. The EPA has denied the petition in a letter to the petitioners for reasons the EPA explains in that document.

**FOR FURTHER INFORMATION CONTACT:** Corey A. Mocka, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Policy Division, 109 T.W. Alexander Drive, Mail Code C539-04, Research Triangle Park, N.C. 27711; phone number: (919) 541-5142; email address: [mocka.corey@epa.gov](mailto:mocka.corey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Where can I get copies of this document and other related information?

This **Federal Register** notice, the petition for reconsideration, and the response letter to the petitioner are

available in the docket that the EPA established for the rulemaking, under Docket ID NO. EPA-HQ-OAR-2016-0598.

All documents in the docket are listed in the index at <http://www.regulations.gov>. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

Out of an abundance of caution for members of the public and our staff, the EPA is temporarily suspending the Docket Center and Reading Room for public visitors to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>. The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention, local area health departments, and our federal partners so we can respond rapidly as conditions change regarding COVID-19.

In addition, the EPA has established a website for visibility and regional haze rulemakings at: <https://www.epa.gov/visibility>. This **Federal Register** notice, the petition for reconsideration, and the response letter denying the petition are also available on this website along with other information.

#### II. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of "nationally applicable regulations promulgated, or final actions taken, by the Administrator," or (ii) when such action is locally or regionally applicable, if "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination."

This action is a denial of an administrative petition requesting reconsideration of an aspect of a final rule, "Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for

Texas," 82 FR 45481 (September 29, 2017). That rule is nationally applicable; in addition, to the extent that rule may be found to be locally or regionally applicable, the EPA found in that rule that it is based on a determination of "nationwide scope or effect" within the meaning of CAA section 307(b)(1). See 82 FR at 45495-96. Further, that rule is currently being challenged in the Court of Appeals for the District of Columbia Circuit.<sup>1</sup> For the same reasons set forth in that rule, 82 FR at 45495-96, this action denying a petition for reconsideration of that rule is nationally applicable and, in addition, to the extent this action may be found to be locally or regionally applicable, the Administrator finds that the action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1). Thus, pursuant to CAA section 307(b), any petition for review of this action denying the petition for reconsideration must be filed in the Court of Appeals for the District of Columbia Circuit on or before September 4, 2020.

**Andrew Wheeler,**  
*Administrator.*

[FR Doc. 2020-14409 Filed 7-2-20; 8:45 am]

BILLING CODE 6560-50-P

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## ENVIRONMENTAL PROTECTION AGENCY

[CERCLA-02-2019-2033; FRL-10011-82-Region 2]

### Proposed CERCLA Cost Recovery Settlement for the Old Roosevelt Field Contaminated Groundwater Area Superfund Site, Town of Hempstead, Nassau County, New York

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region 2, of a proposed cost recovery settlement agreement pursuant to CERCLA with Johnson & Hoffman, LLC, Ansaco Properties One, LLC, and Ansaco, LLC ("Settling Parties") for the Old Roosevelt Field Contaminated Groundwater Area Superfund Site ("Site"), Town of Hempstead, Nassau County, New York.

<sup>1</sup> *Nat'l Parks Conservation Ass'n v. EPA*, No. 17-1253 (D.C. Cir., filed November 28, 2018).